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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,685	11/10/2005	Kevin Charles Mulvey	020305-004003	3678
34313 7590 01/16/2009 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558				
EXAMINER BEAUCHAINE, MARK J				
ART UNIT 3653		PAPER NUMBER		
MAIL DATE 01/16/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,685

**Applicant(s)**

MULVEY, KEVIN CHARLES

**Examiner**

MARK J. BEAUCHAINE

**Art Unit**

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-17 and 19-26 is/are rejected.  
7) ☒ Claim(s) 5 and 18 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-9, 12-16, 19-22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Number 5,564,548 by Dobbins et al ("Dobbins"). The money acceptor disclosed by Dobbins is configured to detect a fraud attack (see column 2, lines 11-28) and is operated by performing step 502 of generating individual money item signals  $X_1, X_2, \dots, X_m$  with a value that is a function of respective items of money under test via sensing circuit 20 (see Figure 5; column 3, lines 51-67; and column 8, line 63 through column 9, line 5), and step 504 of developing for each of said money items under test via processor 35, transformed money item signals (indicated as  $\delta_1$  through  $\delta_m$ ) which are a function of the value of said money item signal  $X_1$  and variable parameter  $Cntr1$ , and are according to the outcome of rule based expert system 35. Said variable parameter  $Cntr1$  is a function of an acceptability criterion/history data for said money item under test, and is variable due to the variability of the relative vector  $V$  (see column 8, lines 38-51).

Dobbins further discloses step 506 of making a comparison of values of said transformed money item signals (delta 1 through delta m) with window upper and lower limit values (L1i and U1i through Lmi and Um), and accepting each money item independence with said comparison (see column 9, lines 6-12). Said limit values of money item signals are scaled based on comparing said limits with an average of previously tested money items (column 5, lines 27-66).

Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins as applied to claims 3 and 16 above, and further in view of European Patent Application Publication Number EP-0.072.189-A2 by Daw ("Daw"). Dobbins fails to disclose said transformed money item signals being developed by a scaling process. Daw teaches a money acceptor that is operated by developing transformed money item signal 50(x) (see page 15, line 17) by scaling money item signal X50 in accordance with amplification factor b that is determined in dependence on the outcome of a comparison of data A(x) based on previously tested money items with at least one rule (5) (see page 14, line 22) for the purpose of enhancing the accuracy of coin validation of said money acceptor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the signal development operation of Daw into the money acceptor of Dobbins for the purpose of enhancing the accuracy of coin validation of said money acceptor.

Claims 10, 11, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins as applied to claims 1 and 14 above, and further in view of Patent Number US 6,311,820 B1 by Hallas Bell et al ("Bell"). Dobbins fails to disclose the step of receiving data from an external source. Bell teaches a money acceptor that operates via the step of receiving data from source 22 that is external to said money acceptor (see Figure 5, column 7, line 62 through column 8, line 12, and column 11, lines 1-14) for the purpose of reconfiguring said acceptor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the external source configuration of Bell into the money acceptor of Dobbins for the purpose of reconfiguring said acceptor.

#### ***Allowable Subject Matter***

Claims 5 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed 15 September 2008 have been fully considered but they are not persuasive. Despite the Applicant's assertion that Dobbins fails to disclose a modification of a money value (see Applicant's arguments at page 9, lines 10-18) the

referred to differences of a money value X (see Dobbins steps 502 and 504 of Figure 5) that are shifts of said value within a coordinate system is in fact a modification of the value in the context of an evaluation of currency being evaluated. Accordingly, said steps of Dobbins read on the Applicant's pending claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK J. BEAUCHAINE** whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

mjb